

ESTTA Tracking number: **ESTTA96764**

Filing date: **08/29/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91167666
Party	Plaintiff Ashland Licensing and Intellectual Property LLC  Ashland Inc. 3499 Blazer Parkway Lexington, KY 40509 UNITED STATES
Correspondence Address	Ashland Inc. Ashland Inc. 3499 Blazer Parkway Lexington, KY 40509 UNITED STATES pafredrick@ashland.com
Submission	Withdrawal of Opposition
Filer's Name	/J. Michael Pepper/
Filer's e-mail	pafredrick@ashland.com
Signature	/J. Michael Pepper/
Date	08/29/2006
Attachments	valero.PDF ( 2 pages )(317768 bytes ) certofservice.PDF ( 1 page )(55762 bytes )



Steve Meleen  
Partner

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August 21, 2006

**RECEIVED**  
**AUG 25 2006**  
**JGH**

John G Haraldson, Esq.  
Ashland Inc.  
3499 Blazer Parkway  
Lexington, Kentucky 40509  
[JGHaraldson@ashland.com](mailto:JGHaraldson@ashland.com)

Re: Ashland Licensing and Intellectual Property LLC v. Valero Refining and  
Marketing Company; Opposition No. 91167666 regarding Application Serial No.  
78401852  
Matter No. VLRO:013

Dear John:

Pursuant to our discussions and email exchanges, this letter agreement “(Agreement)” will set forth the terms of agreement between your client Ashland Licensing and Intellectual Property LLC, which is a subsidiary of Ashland Inc. (collectively, “Ashland”) and our client Valero Refining and Marketing Company, which is a subsidiary of Valero Energy Corporation (collectively “Valero”), regarding Ashland’s objection to Valero’s V & Design mark that is the subject of USPTO Application Serial No. 78401852, including Opposition No. 91167666. Ashland and Valero have agreed to compromise and settle their claims against each other relating to Valero’s use and registration of Valero’s V & Design mark pursuant to this Agreement. The parties acknowledge that such terms represent good and sufficient consideration for this Agreement.

Valero uses its V & Design mark in the colors teal, yellow, and white. Some such uses involve a teal “V” with a yellow “gesture” design against a white background, as shown in Application Serial No. 78401852. In other instances, Valero presents the “V” in white, with the yellow gesture, against a teal background, as shown immediately below.



Ashland agrees that it will promptly file a consented withdrawal of Opposition No. 91167666 without prejudice. Valero hereby consents to such withdrawal. Ashland further agrees that it will not object to Valero’s continued use of Valero’s V & Design mark in connection with

John G. Haraldson, Esq.  
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gasoline stations. The parties acknowledge that this Agreement does not affect either party's rights or obligations regarding any other use that Valero may make of its V & Design mark.

This Agreement is binding upon and shall benefit each party hereto, including its respective agents, successors, and assigns. The parties agree to execute such documents and take such actions as may be necessary to effectuate and to fully carry out the terms and purposes of this Agreement. Each party represents that the person executing this Agreement on its behalf has been authorized to sign on behalf of the party and to bind it to the terms of this Agreement.

My signature below indicates Valero's agreement to these terms. If it meets with your client's approval as well, please sign and return it to me.

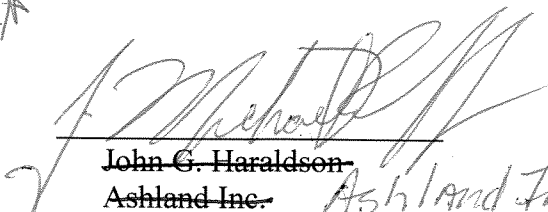
Very truly yours,



Steve Meleen  
Attorney for Valero Refining  
and Marketing Company

**Agreed**

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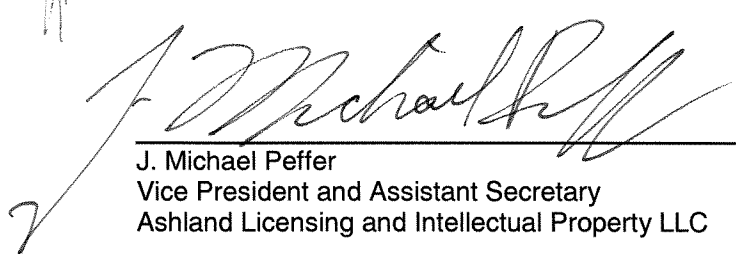
~~John G. Haraldson~~  
~~Ashland Inc.~~ Ashland Inc.

J. Michael Pfeffer  
Ashland Licensing and Intellectual  
Property LLC

# CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Opposer's Withdrawal of Opposition in Opposition Proceeding No. 91167666, was served upon Steve Meleen, Attorney for Valero Refining and Marketing Company, at PirkeyBarber LLP, 600 Congress Avenue, Suite 2120, Austin, Texas 78701 by Overnight Courier on the 29<sup>th</sup> day of August, 2006.

 Respectfully submitted,

  
\_\_\_\_\_  
J. Michael Pfeffer  
Vice President and Assistant Secretary  
Ashland Licensing and Intellectual Property LLC